

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Leonid Ivanovich Akopov, et al.
Application No: 09/719,497 - 2241
Filing Date: August 9, 2001
Entitled: DEVICE FOR THE THERAPEUTIC AND
COSMETIC PHOTO-PROCESSING OF
BIOLOGICAL TISSUE AND METHOD
FOR USING THE SAME
Atty. Docket No: 105090-240

Group Art Unit: 3737

Examiner: D. Shay

Via Hand Deliver

Examiner D. Shay
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

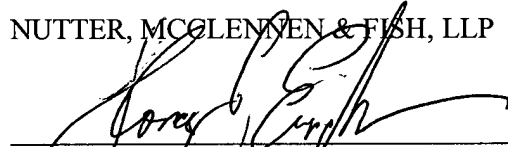
1. Statement Filed Pursuant To The Duty Of Disclosure Under 37 CFR §§1.56, 1.97 and 1.98 (5 sheets);
2. 1449 Form (7 sheets); and
3. Return Receipt postcard

The Commissioner is hereby authorized to charge any underpayments or overpayments in connection with this filing to our Deposit Account No. 141449, Reference No. 105090-240, Customer No. 021125. A duplicate copy of this sheet is enclosed.

Dated: April 27, 2004

Respectfully submitted,

NUTTER, MCLENNEN & FISH, LLP



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P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicants hereby cite for the record in this application the documents listed on the attached copy of PTO Form 1449. A copy of the references are submitted herewith.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement is being filed prior to the mailing date of a first Office Action on the merits. Accordingly, Applicant believes that no fee or certification is required in accordance with §1.97(b)(3). However, if any additional fee is due, the Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No. 105090-240, Customer No. 021125.

PART II: Information Cited

The Applicants hereby make of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicants hereby make the following additional information of record in the above-identified application.

Docket No. 105090-240

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
09/731,496	December 7, 2000	A. Durkin et al.
09/769,960	January 25, 2001	R. Anderson et al.
09/819,081	February 15, 2001	McDaniel
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09/847,043	April 30, 2001	H. Zenzie
09/986,367	November 8, 2001	McDaniel
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10/144,983	May 15, 2002	S. Ella
10/154,756	May 23, 2002	G. Altshuler et al.
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10/274,582	October 21, 2002	G. Altshuler et al.
10/331,134	December 27, 2002	G. Altshuler et al.
10/442,598	May 21, 2003	G. Altshuler et al.
10/417,769	April 17, 2003	G. Altshuler et al.
10/424,114	April 25, 2003	M. Black

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

Docket No. 105090-240

The following are remarks concerning the other information cited:

AT 400 305 B generally relates to a device for treatment of skin zones.

DE 3837248 A1 generally relates to a device for the treatment of skin changes.

EP 1038505 A2 generally relates to a radiation apparatus for optical thermolysis.

FR 2199453 generally relates to a cooling device for phototherapy with high light levels.

FR 2591902 generally relates to an apparatus for external laser therapy.

RU4954402 (Pub. No. 2122848) generally relates to a reflexotherapy device. RU94012665

(Pub. No. 2089126) generally relates to a method of treatment of tooth hard tissues by laser radiation and device for its realization.

RU94040344 (Pub. No. 2089127) generally relates to a method of treatment of tooth hard tissues by laser radiation and device for its realization.

RU95102749 (Pub. No. 2096051) generally relates to an apparatus for laser treatment of biological tissues.

RU95105406 (Pub. No. 2082337) generally relates to a tip piece of laser system for treating biological tissue.

WO 96/25979 generally relates to devices for use in the laser treatment of biological tissue and variants thereof.

WO 01/42671 A1 generally relates to a guide rail for a linear bearing.

PART IV: Remarks

It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;

3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicants make no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

Docket No. 105090-240

By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicants, the Examiner is urged to form his own conclusion regarding the relevance of the cited information. An early and favorable action is hereby requested.

Dated: April 27, 2004

Respectfully submitted,

By 

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FORM PTO-1449/A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 09/719,497		ATTY. DOCKET NO.: 105090-240			
				FILING DATE: August 9, 2001		CONFIRMATION NO.: 2241			
				APPLICANT: Leonid Ivanovich Akopov et al.					
				GROUP ART UNIT: 3737		EXAMINER: D. Shay			
Sheet	1	of	7						

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